

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT W. JOHNSON,

Plaintiff,

v.

No. 1:24-cv-00890-KRS

ALEXANDER MARION,

Defendant.

**MEMORANDUM OPINION AND ORDER
TRANSFERRING CASE TO THE NORTHERN DISTRICT OF NEW YORK**

Plaintiff, who is proceeding *pro se*, resides in Syracuse, New York. *See* Complaint for Violation of Civil Rights at 2, Doc. 1, filed September 6, 2024 (“Complaint”). Defendant also resides in Syracuse, New York. *See* Complaint at 2. Plaintiff asserts claims for discrimination, civil rights violations and due process violations and states “the events giving rise to [Plaintiff’s] claims occur[ed] ... [in] Syracuse, NY.” Complaint at 4.

The statute governing venue in general states:

Venue in general.--A civil action may be brought in—

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. §1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district *shall* dismiss, or if it be in the interest of justice, transfer such case to

any district or division in which it could have been brought.” 28 U.S.C. § 1406(a) (emphasis added).

The Court concludes that the District of New Mexico is not a proper venue for this case because Defendant does not reside in the District of New Mexico and there are no allegations that any of the events or omissions giving rise to the claim occurred in the District of New Mexico. The Court transfers this case to the Northern District of New York because Defendant resides in the Northern District of New York and the events or omissions giving rise to this case occurred in the Northern District of New York.

IT IS ORDERED that:

- (i) This case is **TRANSFERRED** to the Northern District of New York.
- (ii) The Clerk shall mail a copy of this Order to Plaintiff at the address Plaintiff provided in the Complaint:

Robert W. Johnson
214 Smith Rd. Apt. 4
Syracuse, NY 13207



UNITED STATES MAGISTRATE JUDGE